

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: COLUMBIA UNIVERSITY  
PATENT LITIGATION

MDL NO. 1592

IMMUNEX CORPORATION, a Washington  
Corporation and AMGEN INC., a Delaware  
Corporation,

Civil Action No. 04-10740-MLW  
C.D. Cal. No. CV 03-4349 MRP (CWx)

Plaintiffs,

vs.

THE TRUSTEES OF COLUMBIA  
UNIVERSITY in the City of New York,  
a New York Corporation,

Defendant.

AND RELATED COUNTERCLAIM

**ASSENTED-TO MOTION OF AMGEN INC. AND IMMUNEX CORPORATION  
FOR LEAVE TO FILE A REPLY**

Pursuant to Local Rule 7.1, plaintiffs Amgen Inc. and Immunex Corporation (“Amgen”) submit this motion for leave to file a brief reply in support of their motion for leave to obtain discovery from foreseeably unavailable witnesses. Amgen believes that a reply is needed to address the arguments raised by Columbia in its opposition. Amgen further believes that a reply will assist the Court in deciding the underlying motion. Columbia has assented to the filing of the Reply.

August 11, 2004

Respectfully submitted,

IMMUNEX CORPORATION and AMGEN INC.  
By their attorneys,

/s/Eileen M. Herlihy

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CERTIFICATE PURSUANT TO L.R. 7.1

Pursuant to Local Rule 7.1 (A)(2), the undersigned certifies that Eileen M. Herlihy, counsel for plaintiffs Amgen Inc and Immunex Corp. conferred with Wayne Barsky, counsel for Columbia University, on August 11, 2004, regarding this motion and that counsel for Columbia University assented to this motion.

/s/Eileen M. Herlihy \_\_\_\_\_

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the above document to be served electronically upon the attorney of record for each other party on August 11, 2004.

/s/Erin D.E. Joffre \_\_\_\_\_